**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**

Civil Writ Petition No. 13 of 2004

Jagmohan Singh …….. Petitioner

Versus

State of Uttaranchal, through Secretary
Forest Department & others ……. Respondents

**Hon'ble Rajesh Tandon, J.**

Heard learned counsel for the petitioner Sri P.C. Jhingan and learned Standing Counsel.

By the present writ petition the petitioner has prayed for issue a writ, direction or order in the nature of mandamus commanding the respondents to regularized the service of the petitioner retrospective effect.

Brief facts of the present writ petition are that the petitioner was engaged as clerk in the office of the tons Forest Division on 01.01.1987. The tone Forest Division is under the direct Administration of Yamuna Circle, 87Rajpur Road, Dehradun.

The petitioner is intermediate passed form the Board of High School Intermediate Education U.P. Allahabad in the year 1983, which is the minimum qualification for the post of junior clerk in the Forest Department.

Counsel for the petitioner Sri P.C. Jhingan had filled a writ petition on. 37751 of 1997 in Allahabad High Court which is quoted below:-

*Heard Sri P.C. Jhingan, learned counsel for the petitioner.*

*Connect and list with writ petition no. 1581/1996.*

*The counter affidavit may be filed within three weeks.*

*Rejoinder affidavit may be filed within two weeks.*

*Meanwhile if the petitioners are still in service on daily wage basis and their claim for regularization has not already been abnegated, the respondent shall ensure payment of such salaries/wages to the petitioner not less then the minimum of the*

*salary payable to a regularly appointed employee performs similar duties."*

The grievance of he petitioner is that he has been engaged on the post of junior clerk and as such he is entitled to be considered under Uttaranchal Regularization of Ad hoc appointment (outside the preview of Public service Commission) Rules 2002. The petitioner has also referred the judgment of this court passed in Writ Petitioner no. 3431 of 2001 and 4544 of 201 (S/S). The operative portion of the order quoted below:-

"*The petitioner is still being treated for the purpose of regularization as Daily Wager. It is illegal, as the petitioner is working on Adhoc basis w.e.f. 22.06.1992 and is being paid the pay scale of Junior Clerk, therefore, the petitioner is eligible to be considered for regularization under the Regularization of Adhoc Appointments Rules (out of Public Service Commissions Rules 1979) as amended up to date by State of Uttaranchal. Therefore, the respondents are directed to consider the case of the petitioner for regularization under the aforesaid Rules within a period of one month form the date of production of a certified copy of this order."*

Considering the aforesaid facts and circumstances respondents are directed to consider the regularization of the petitioner in accordance with Uttaranchal Regularization of Adhoc Appointments (Outside the purview of Public Service Commission) Rules 2002, within three months after the receipt of the certified copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

**(Rajesh Tandon, J.)**

24.04.2004
ASWAL